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OFFICE OF PETITIONS

In re Application of	:	
Peled et al.	:	
Application No. 10/748,178	:	ON PETITION
Filed: 31 December, 2003	:	
Atty Docket No. 27153	:	

This is a decision on the petition filed on 26 November, 2004, requesting that the above-identified application be accorded a filing date of 31 December, 2003, with Page 32 of the specification as a part of the original disclosure.

The petition is granted.

On 31 December, 2003, the application was filed.

Accordingly, on 15 October, 2004, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 31 December, 2003, but that Page 32 of the specification (description and claims) appeared to have been omitted.

In response, on 26 November, 2004, the present petition and Page 32 of the specification were filed. Petitioners argue that Page 32 of the specification was filed with the other application papers on 31 December, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of 31 December, 2003, and identifies the application by the first named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 60 pages of specification. Petitioners request that the application, including Page 32 of the specification, be accorded a filing date of 31 December, 2003.

A review of the record reveals that no Page 32 of the specification have been located among the application papers received on 31 December, 2003. However, the evidence is convincing that the application papers deposited on 31 December, 2003, included Page 32 of the specification (including the abstract), which was subsequently misplaced in the Office. Therefore, the application, including Page 32 of the specification, is entitled to a filing date of 31 December, 2003.

The "Notice" mailed on 15 October, 2004, is vacated.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be refunded to counsel's deposit account, No. 50-1407.

The application will be processed with the copy of Page 32 of the specification supplied on 26 November, 2004, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 31 December, 2003, using the application papers filed on that date, and the copy of Page 32 of the specification supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
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